

Submission Accompanying Request for Continued Examination
U.S. Patent Application S.N. 09/867,565
YAMANE et al.
Attorney Docket No. 010694

REMARKS

Claims 1-6 are pending in this application. Claims 1 and 5 are amended in this amendment.

Claims 1 and 5 are amended to further limit the temperature of the mixing to “between 100 °C and 120 °C”. This amendment is discussed below in regard to the rejection over Gardziella.

Regarding Prior Art Disclosure

In the Response under 37 CFR 1.116 dated October 2, 2003, Applicants noted that the document “Electrically Driven Prize Winning Device”, considered by the Examiner to be irrelevant to the present application, was submitted in error with the Information Disclosure Statement of October 9, 2003, the error originating in confusion between a Japanese patent publication and a laid-open publication sharing the same number. A copy of the correct document, Japanese patent publication 07-116303, was submitted with the Response on October 2, 2003.

The Examiner indicates in the Advisory action that this document was not received, and this was confirmed in a telephone interview with D. Geselowitz on October 21, 2003. Apparently the document was lost at the Patent and Trademark Office.

To ensure that the correct document is considered, Applicants here submit a new Information Disclosure Statement with the correct document. In addition, a machine translation of the document is provided.

Submission Accompanying Request for Continued Examination
U.S. Patent Application S.N. 09/867,565
YAMANE et al.
Attorney Docket No. 010694

Claims 1-6 are rejected under 35 U.S.C. §102(b) as being anticipated by Gardziella (U.S. Patent No. 4,918,116).

The rejection is overcome by the amendments to the claims. Reconsideration of the rejection is respectfully requested.

In the amendment, the mixing temperature is limited to be between 100 °C and 120 °C. This limitation represents a narrowing of the range of 80 °C to 120 °C for the mixing temperature, the range of 80 °C to 120 °C being disclosed in the specification on page 7, line 26, to page 8, line 2. The specification also discloses mixing at 110 °C in the Examples, on page 10, line 2, of the specification.

First of all, Applicants note that claim 1 recites that the mixing of the raw materials is carried out “in a dry system”. That is, no water is present through the mixing step, with hardener being included in the raw materials that are mixed. However, in Gardziella’s Example 11, cited by the Examiner, 50% aqueous hexamethylenetetramine is added to the mixture. Therefore, once the hexamethylenetetramine is added, Gardziella’s system is Example 11, there is clearly water present and the system is not dry, and Example 11 cannot anticipate the present claims. There is clearly no general teaching or suggestion for a dry system in Gardiella, given the water in Example 11.

The Examiner has also cited Gardziella’s Examples 5-8. In these examples, the phenol novolac is pre-heated to 60 °C and apparently never reaches a temperature above 60 °C. Gardziella does not appear to teach or suggest any mixing between 100 °C and 120 °C, as required by amended claim 1.

Submission Accompanying Request for Continued Examination
U.S. Patent Application S.N. 09/867,565
YAMANE et al.
Attorney Docket No. 010694

Applicants therefore assert that claims 1-6 are not anticipated by Gardziella, and further that the claims are non-obvious over this reference.

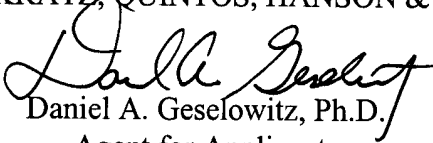
Submission Accompanying Request for Continued Examination
U.S. Patent Application S.N. 09/867,565
YAMANE et al.
Attorney Docket No. 010694

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP


Daniel A. Geselowitz, Ph.D.
Agent for Applicants
Reg. No. 42,573

DAG/plb
Atty. Docket No. **010694**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

H:\HOME\dgeselowitz\USPTO Amendments and Responses as filed\010694\010694 amend acc. rce